

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA**

MICHAEL GOTT and LORI GOTT,

Plaintiffs,

v.

Case No.: 3:18-cv-00539-HEH

WELLS FARGO BANK, NA., ET AL.

Defendants.

**DEFENDANT EQUIFAX INFORMATION SERVICES LLC'S
ANSWER AND DEFENSES TO PLAINTIFFS' COMPLAINT**

Defendant, Equifax Information Services LLC ("Equifax"), by Counsel, files its Answer and Defenses to Plaintiffs' Complaint ("Complaint") as follows:

PRELIMINARY STATEMENT

In answering the Complaint, Equifax states that it is responding to allegations on behalf of itself only, even where the allegations pertain to alleged conduct by all Defendants. Equifax denies any and all allegations in the headings and/or unnumbered paragraphs in the Complaint.

ANSWER

In response to the specific allegations in the enumerated paragraphs in the Complaint, Equifax responds as follows:

1. Equifax admits Plaintiffs purport to bring claims against it pursuant to the Fair Credit Reporting Act ("FCRA"), but denies it violated the FCRA in its handling of Plaintiffs' credit files.
2. To the extent Plaintiffs have properly alleged their claims, Equifax admits the Court may exercise its jurisdiction.
3. Equifax is without knowledge or information sufficient to form a belief as to the

truth of the allegations in Paragraph 3.

4. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4.

5. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5.

6. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6.

7. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7.

8. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 8.

9. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9.

10. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10.

11. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11.

12. Equifax admits the allegations in Paragraph 12.

13. Equifax admits the allegations in Paragraph 13.

14. Equifax admits the allegations in Paragraph 14.

15. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15.

16. Equifax is without knowledge or information sufficient to form a belief as to the

truth of the allegations in Paragraph 16.

17. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17.

18. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 18.

19. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 19.

20. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20.

21. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 21.

22. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 22.

23. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 23.

24. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24.

25. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 25.

26. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 26.

27. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 27.

28. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 28.

29. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 29.

30. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 30.

31. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 31.

32. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 32.

33. Equifax denies the allegations in Paragraph 33.

34. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 34.

35. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 35.

36. Equifax admits it received disputes from Plaintiffs. Equifax states that the disputes speak for themselves, and to the extent Plaintiffs misquote, misstate, mischaracterize, or take out of context the disputes with Equifax, the allegations are denied.

37. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 37.

38. Equifax denies the allegations in Paragraph 38.

39. Equifax denies the allegations in Paragraph 39.

40. Equifax admits it sent reinvestigation results to Plaintiffs, the contents of which

speak for themselves, and to the extent Plaintiffs misquote, misstate, mischaracterize, or take out of context the reinvestigation results, the allegations are denied.

41. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 41.

42. Equifax admits it sent reinvestigation results to Plaintiffs, the contents of which speak for themselves, and to the extent Plaintiffs misquote, misstate, mischaracterize, or take out of context the reinvestigation results, the allegations are denied.

43. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 43.

44. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 44.

45. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 45.

46. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 46.

47. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 47.

48. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 48.

49. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 49.

50. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 50.

51. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 51.

52. Equifax denies the allegations in Paragraph 52.

53. Equifax admits it sells consumer reports. Equifax denies the remaining allegations in Paragraph 53.

54. Equifax admits it uses e-Oscar. Equifax denies the remaining allegations in Paragraph 54.

55. Equifax denies the allegations in Paragraph 55.

56. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 56.

57. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 57.

58. Equifax states that the referenced legal authorities speak for themselves, and to the extent Plaintiff misquotes, misstates, mischaracterizes, or takes out of context the legal authorities, the allegations are denied.

59. Equifax states that the referenced legal authorities speak for themselves, and to the extent Plaintiff misquotes, misstates, mischaracterizes, or takes out of context the legal authorities, the allegations are denied.

60. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 60.

61. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 61.

62. Equifax is without knowledge or information sufficient to form a belief as to the

truth of the allegations in Paragraph 62.

63. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 63.

64. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 64.

65. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 65.

66. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 66.

67. Equifax denies the allegations in Paragraph 67.

68. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 68.

69. Equifax restates its answers and defenses to Paragraphs 1-68.

70. Equifax denies the allegations in Paragraph 70.

71. Equifax denies the allegations in Paragraph 71.

72. Equifax denies the allegations in Paragraph 72.

73. Equifax denies the allegations in Paragraph 73.

74. Equifax restates its answers and defenses to Paragraphs 1-73.

75. Equifax denies the allegations in Paragraph 75.

76. Equifax denies the allegations in Paragraph 76.

77. Equifax denies the allegations in Paragraph 77.

78. Equifax denies the allegations in Paragraph 78.

79. Equifax restates its answers and defenses to Paragraphs 1-78.

80. Equifax denies the allegations in Paragraph 80.
81. Equifax denies the allegations in Paragraph 81.
82. Equifax denies the allegations in Paragraph 82.
83. Equifax denies the allegations in Paragraph 83.
84. Equifax restates its answers and defenses to Paragraphs 1-83.
85. Equifax denies the allegations in Paragraph 85.
86. Equifax denies the allegations in Paragraph 86.
87. Equifax denies the allegations in Paragraph 87.
88. Equifax denies the allegations in Paragraph 88.
89. Equifax restates its answers and defenses to Paragraphs 1-88.
90. Equifax denies the allegations in Paragraph 90.
91. Equifax denies the allegations in Paragraph 91.
92. Equifax denies the allegations in Paragraph 92.
93. Equifax denies the allegations in Paragraph 93.
94. Equifax restates its answers and defenses to Paragraphs 1-93.
95. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 95.
96. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 96.
97. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 97.
98. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 98.

99. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 99.

100. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 100.

101. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 101.

102. Equifax admits it received disputes from Plaintiffs. Equifax states that the disputes speak for themselves, and to the extent Plaintiffs misquote, misstate, mischaracterize, or take out of context the disputes with Equifax, the allegations are denied.

103. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 103.

104. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 104.

105. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 105.

106. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 106.

107. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 107.

108. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 108.

109. Equifax states that the referenced legal authorities speak for themselves, and to the extent Plaintiffs misquote, misstate, mischaracterize, or take out of context the legal

authorities, the allegations are denied.

110. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 110.

111. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 111.

112. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 112.

113. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 113.

114. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 114.

115. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 115.

116. Equifax restates its answers and defenses to Paragraphs 1-115.

117. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 117.

118. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 118.

119. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 119.

120. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 120.

121. Equifax is without knowledge or information sufficient to form a belief as to the

truth of the allegations in Paragraph 121.

122. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 122.

123. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 123.

124. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 124.

125. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 125.

126. Equifax denies Plaintiffs are entitled to any relief claimed in their Complaint.

127. Equifax admits Plaintiffs have demanded a trial by jury.

128. Any allegation in Plaintiffs' Complaint not heretofore specifically responded to by Equifax is hereby denied.

DEFENSES

Without assuming the burden of proof where it otherwise rests with Plaintiffs, Equifax pleads the following defenses to the Complaint:

FIRST DEFENSE

At all pertinent times, Equifax maintained reasonable procedures to assure maximum possible accuracy in its credit reports.

SECOND DEFENSE

Equifax has complied with the Fair Credit Reporting Act in its handling of Plaintiffs' credit files and is entitled to each and every defense stated in the Act and any and all limitations of liability.

WHEREFORE, having fully answered or otherwise responded to the allegations in Plaintiffs' Complaint, Equifax prays that:

- (1) Plaintiffs' Complaint be dismissed in its entirety and with prejudice, with all costs taxed against Plaintiffs;
- (2) it be dismissed as a party to this action;
- (3) it recover such other and additional relief as the Court deems just and appropriate.

Respectfully submitted this 5th day of September, 2018.

/s/ John W. Montgomery, Jr.

John W. Montgomery, Jr.

VSB No. 37149

Counsel for Equifax Information Services, LLC

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CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of September, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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Craig Carley Marchiando
Leonard Anthony Bennett
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/s/ John W. Montgomery, Jr.
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